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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,876	12/15/1999	ALAN EUGENE FREY	991165	4390

32205 7590 02/17/2004

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EXAMINER

DO, NHAT Q

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/461,876

Applicant(s)

FREY ET AL.

Examiner

Nhat Do

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 5 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 5, and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 12/08/03 have been fully considered but they are not persuasive.

Applicants argues that since Cheesman et al use a single large trunk group to interface the ATM facilities, and Ash et al teach not using a single large trunk group, one skilled in the art would have not considered combining these two references (Remarks page 12, first paragraph).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Cheesman et al disclose using a single large trunk in order to reduce the cost due to maintenance as encountered in the conventional switched telephone network, which uses (smaller) truck groups (Col. 3, lines 57-col. 4, lines 3).

Ash et al disclose differentiating calls into different class of service in a tradition switched telephone network (using smaller truck groups). Each class of service has a specific parameter, and the switching system uses trunk selection parameters to select

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a truck that can support the requirement of the call (Col. 9, lines 12-65). The benefits are improving service quality, flexibility... (Col. 3, lines 25-31).

Obviously, one skilled in the art would have been motivated to combine both Cheesman et al and Ash et al by differentiating calls into trunk groups using trunk selection parameters but limiting the number of trucks as small as possible in order to employ the benefits of both Chessman et at and Ash et al.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,141,342 to Cheesman in view of U.S. Patent No. 5,956,396 to Ash et al.

Cheesman et al disclose a system comprising/performing:

The EO 12 (circuit switched network switch) routes the call onto the first voice trunk 27, and transmits the IAM to the CM 42 (figure 4, first step);

The MSP 35 (first packet voice gateway) couples the first truck 27 and the ATM network 25;

The SSC 44 (first connection gateway) receives the IAM (Col. 7, line 14);

The CM 42 (feature server) receives the IAM from the SSC 44, and conveys routing message to the MSP 41 (second connection gateway) if the invoked feature cannot be provided by the CM 42 (feature server) (Col. 7, lines 20-37);

The MSP 41 (second connection gateway) selects the second truck 33, which connects to the AT 18 (second circuit switched switch);

The MSP 41 is also the second packet voice gateway since Cheesman disclose the MSPs map the SVCs to the CICs indicated by the CM 42 to be the channels in the trunk groups (27, 33...) which is equivalent to the claimed setting up connection between the packet based network and the second truck;

The AT 18 (second circuit switched switch) connects to the PSTN.

Cheesman et al fail to disclose the routing message includes a trunk parameter, and routing the featured calls onto one of trunks based on an assigning truck selection parameter (TSP).

Ash et al disclose a telephone system in figure 1, wherein featured calls are routed based on the routing index RI (Applicant's TSP) (Fig. 2). Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to include a truck selection parameter (TSP) in the fabric control messages sent from the CM 42 to the MSP 41, and let the MSP 41 selects a truck on the trunk group 33 based on an assigning truck selection parameter (TSP). A skilled artisan would have been motivated to do so in order employ the benefit taught by Ash et al, which is increasing the efficiency of the switching system.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 9:00 AM - 6:00 PM (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhat Do
Examiner
Art Unit 2663

ND

February 6, 2004.



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2/12/04